

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION  
JOHN F. KENNEDY SPACE CENTER, FLORIDA

JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION

(BRAND NAME DETERMINATION)

ESTIMATED ITEM VALUE: \$149,412 materials and services

ESTIMATED TOTAL VALUE OF PROCUREMENT: \$149,412

- 1.) Based on the justification provided herein, I recommend that an acquisition be made by other than full and open competition for the contract action described below:
- 2.) This contract action includes the acquisition of material, labor and engineering services from Johnson Controls Incorporated (JCI) to upgrade the chiller control panels on the existing four (4) York YK chillers at the Industrial Area Chiller Plant (IACP).
- 3.) The four (4) York YK chillers at the IACP have been in operation since 1996. The control panels on the chillers are obsolete and are being phased out by the manufacturer. To ensure that the chillers will be able to support the future KSC Industrial Area chilled water production requirements, the control panels need to be upgraded and the chillers need to be re-commissioned to ensure the upgraded chiller systems function properly. The upgrade process includes providing the labor and material to remove and replace the proprietary York chiller control panels and their associated temperature and pressure sensors with the newer and improved York control panels. It also includes providing the engineering services to program, startup and re-commission the new panels and chillers to include verifying the safety and emergency shutdown capabilities of the chilled water production process are intact.
- 4.) Contracting without full and open competition is permitted pursuant to 10 U.S.C. 2304 (c) (1) because the equipment and services required by KSC is available from one responsible manufacturer and no other type of equipment and services will fully satisfy our requirements. There is a reasonable basis to conclude that KSC's minimum requirements can only be satisfied by the unique equipment and services available from JCI. This single manufacturer requirement is based upon the proprietary equipment requirements and the unique technical experience and expertise needed to install, program, startup and re-commission the York chillers as described below;
  - a. The York chiller control panel is only manufactured by JCI, who recently purchased the York Corporation, and has to be procured from an authorized JCI distributor.

- b. Product specific technical expertise, training, and experience are required to replace, configure, program and re-commission both the York control panel and the overall York chiller control system to ensure the upgraded panels are successfully installed and re-commissioned properly. JCI possesses the proprietary product specific knowledge and technical expertise needed to ensure the upgraded chiller systems function properly. No other manufacturer can provide this same capability.
  - c. The existing York chillers were manufactured by the York Corporation which is now a subsidiary of JCI. JCI is the only manufacturer that can provide the unique combination of supplying and installing the equipment to ensure continued proper operation of KSC's overall chilled water production process.
- 5.) Efforts will be made to ensure that offers are solicited from as many potential sources as practicable. The project design documents for the York chiller control panel upgrade, written to fully explain the government's requirements regarding the installation and re-commissioning of the panel with the existing chillers, will be included in the solicitation specifications. Additionally, this Brand Name Determination will be posted with the solicitation on the Federal Business Opportunities website at [www.fbo.gov](http://www.fbo.gov).
- 6.) It is determined that the price of the prime contract, including the price of the chiller control panel upgrade, will be fair and reasonable. The overall competitive nature of this low price technically acceptable procurement will entice bidders to seek the most advantageous pricing from JCI authorized distributors and supply houses as well as reasonable pricing from all other equipment and material suppliers.
- 7.) A sources sought synopsis describing this acquisition was posted on 10/03/11 and two responses were received: Guardian Manufacturing, Inc, and Stacon, Inc. No comments relative to the acquisition and installation of chillers and control panels were received. Approval to procure this acquisition as a full and open procurement was received from the Small Business Administration on 11/10/11.
- 8.) Future actions to remove barriers to competition will include continued efforts to reach out to other manufacturers for compatible chillers and control panels in order to reduce the amount of equipment and services that must be procured on a single manufacturer basis.

Pursuant to FAR 6.303-2(c), I hereby certify that the supporting data furnished in support of contracting by other than full and open competition, under 10 U.S.C. 2304(c) (1), with Johnson Controls Incorporated for the purchase of equipment and services is complete and accurate to the best of my knowledge and belief.

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Larry Kiel  
Project LDE, Facilities Division  
TA-B3B

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Sherry L Gasaway  
Contracting Officer